



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,814	08/25/2003	Cheng Chung Wang	10111953	2353

34283 7590 07/28/2004

QUINTERO LAW OFFICE
1617 BROADWAY, 3RD FLOOR
SANTA MONICA, CA 90404

EXAMINER

SOLAK, TIMOTHY P

ART UNIT	PAPER NUMBER
----------	--------------

3746

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/647,814	WANG, CHENG CHUNG	
	Examiner	Art Unit	
	Timothy P. Solak	3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/11/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 4 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 2 of copending Application No. 09/738,331. Although the conflicting claims are not identical, they are not patentably distinct from each other because the air outlet, claimed in the 09/738,331 application, is an inherent feature of any inflation pump and has to exist in the pump claimed in the instant application. Further, the connector, claimed in the 09/738,331 application, is an inherent feature of the rechargeable battery system claimed in the instant application (see Claim 4, "electrically connected to"). The remaining elements, namely an inflatable body, a socket and electric pump including a pump body, at least one battery and an external power supply, are all common subject matter of Claims 2 and 4.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Drawings

The numerous drawing Figures have not been checked to the extent necessary to determine the presence of all possible errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware of in the drawings.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: --Inflatable Product having an Electrical Inflator--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Feldman (5,890,882). Feldman teaches an inflatable body 54, a socket 25 built into the inflatable body, an electric pump 8/12 including a pump body 2/50/38 connected to the socket to pump the inflatable body, wherein the pump body is wholly or partially located in the socket. Feldman further

discloses at least one battery 16 supplying the pump with power and a switch 18 to actuate the electric pump.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owen et al. (4,678,014). Owen et al. teach an inflatable body (M), a socket ((T) see Figure 8) built into the inflatable body, an electric pump 10 including a pump body 149/144/26; wherein the pump body is wholly or partially located in the socket. Although Owen et al. teach most of the limitations of the claim, including an electrical connection powering the motor via an external source (see Claim 4); they do not disclose a connector. A connector is an inherent feature of any power cord. It was old and well known in the art of pump fabrication, that an ordinary connector advantageously facilitated assembly and disassembly. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used a common connector, in the pump disclosed by Owen et al., to have advantageously facilitated assembly and disassembly.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art Figures 1A and 1B, in view of Owen et al. (previously mentioned).

Applicant's admitted prior art Figures 1A and 1B teach an inflatable body 10, a socket 12 built into the inflatable body, an electric pump 142 including a pump body 14 connected to the inflatable body and batteries 144 to supply power to the pump. Although Applicant's admitted prior art Figures 1A and 1B teach most of the limitations of the claim, it does not disclose the pump body being wholly or partially located in the socket. It was old and well known in the art of pump fabrication that some part of the pump's body was required to open valve 12 and that part would have to be located within the socket. Owen et al., disclosing an inflator, specifically supports this old and well known fact by teaching a socket (T) having a portion of the pump body 149' located inside the socket. Owen et al. teach the portion of the pump body located inside the socket advantageously opened the valve (column 7, lines 1-4). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have located a portion of the pump's body inside the socket as taught by Owen et al., in the pump disclosed by Applicant's admitted prior art Figures 1A and 1B, to have advantageously opened the valve.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman (mentioned previously), in view of Chaffee (5,367,726). Although Feldman teaches most of the limitations of the claim, including a battery operated pump having a portion of a pump's body inserted into a socket of an inflatable body, he does not disclose rechargeable batteries connected to an external power supply. Chaffee, disclosing an air pump for an inflatable body 10, specifically teaches rechargeable batteries 22a-b wired through an electrical connector 29 to an external power supply (column 2, line 40). Chaffee teaches the rechargeable batteries

advantageously increased the portability of the unit (column 2, lines 24-30). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the rechargeable batteries and external power supply taught by Chaffee, in the pump disclosed by Feldman, to have advantageously increased the portability of the unit.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman (previously mentioned), in view of Choy (5,605,482). Although Feldman teaches most of the limitations of the claim, including a battery-powered pump equipped with a switch, he does not disclose a waterproof layer covering the switch. Choy, disclosing an inflatable body 2-5 equipped with an electrical switch 96, specifically teaches use of a protective coating (column 13, line 66 to column 14, line 10). Choy teaches the protective coating advantageously enabled the unit to function (column 6, lines 39-47). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the protective coating taught by Choy, in the pump disclosed by Feldman, to have advantageously enabled the unit to function.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Supreme Fast-Fill Instruction Manual (Intex Recreation Corp., Long Beach CA, 1-8 pages) teaches an inflatable body with an air pump (see Last Page, 00 sec.).
- Rey (5,503,618) teaches an inflatable body having a socket.

- Adams, III (4,862,533) teaches an inflatable body with a built-in pump.
- Foster, Jr. et al. (5,020,517) teach an inflatable body having electrical connectors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P. Solak whose telephone number is 703-308-6197. The examiner can normally be reached on Monday through Friday from 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on 703-308-2675. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy P. Solak
Examiner
Art Unit 3746
July 25, 2004